

L Aid ON DESKS 11/10/14

RESOLUTION NO. 2014308

RE: LOCAL LAW NO. OF 2014, A LOCAL LAW AMENDING THE
DUTCHESS COUNTY CHARTER AND ADMINISTRATIVE CODE BY
DELETING ARTICLE XVIII (DEPARTMENT OF EMERGENCY RESPONSE)
AND ADDING A REVISED ARTICLE XVIII TO THE CHARTER

Legislators FLESLAND, ROMAN, PULVER, INCORONATO, HORTON,
WEISS, JOHNSON, and BOLNER offer the following and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No.
_____ of 2014 which has been submitted this day for consideration by said Legislature.

CA-189-14
CAB/ca/G-0148/G-1617
10/21/14

Fiscal Impact: None

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 4th day of December 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 4th day of December 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

LOCAL LAW NO. ____ of 2014

RE: A LOCAL LAW AMENDING THE DUTCHESS COUNTY CHARTER AND ADMINISTRATIVE CODE BY DELETING ARTICLE XVIII (DEPARTMENT OF EMERGENCY RESPONSE) AND ADDING A REVISED ARTICLE XVIII TO THE CHARTER.

BE IT ENACTED by the County Legislature of the County of Dutchess, State of New York as follows:

SECTION 1. LEGISLATIVE INTENT. The Legislature hereby determines that Article XVIII of the Dutchess County Charter and Administrative Code should be repealed in its entirety and replaced with a new Article XVIII that more accurately reflects the current responsibilities and terminology of the Department of Emergency Response and makes this article more consistent with the other articles contained in the Charter pertaining to County Departments.

SECTION 2. Article XVIII of the Dutchess County Charter is deleted in its entirety and shall be replaced by a new Article XVIII as set forth in Section 4 hereof.

SECTION 3. Article XVIII of the Dutchess County Administrative Code is deleted in its entirety and not replaced.

SECTION 4. Article XVIII of the Dutchess County Charter is hereby amended to provide as follows:

Section 18.01. Department of Emergency Response; Commissioner; Appointment; Qualifications; Term. There shall be a Department of Emergency Response under the direction of a Commissioner of Emergency Response, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. He/she shall be appointed on the basis of his/her professional experience and other qualifications for the responsibilities of his/her office. He/she shall be directly responsible to, and serve at the pleasure, of the County Executive. The Department of Emergency Response shall be the Office of Civil Defense for the County of Dutchess in accordance with the applicable sections of Title 26, State Defense, Article 3, Civil Defense of the New York State Unconsolidated Laws.

Section 18.02. Powers and Duties.

(a) The Emergency Response Commissioner shall also have the title of Local Director of Civil Defense and have power and duties associated with this title as set forth in New York State Unconsolidated Laws Section 9122 et seq. Notwithstanding the previous sentence, the Emergency Response Commissioner is authorized to delegate the powers and duties of the Local Director of Civil Defense to a qualified County employee.

(b) The Emergency Response Commissioner shall also have the title of County Fire Coordinator and have the powers and duties associated with this title as set forth in New York State County Law Section 225-a. Notwithstanding the previous sentence, the Emergency Response Commissioner is authorized to delegate the powers and duties of the County Fire Coordinator to a qualified County employee.

(c) The Emergency Response Commissioner shall also have the title EMS (Emergency Medical Services) Coordinator and have the powers and duties associated with this title as set forth in New York State County Law Section 223-b. Notwithstanding the previous sentence, the Emergency Response Commissioner is authorized to delegate the powers and duties of the EMS Coordinator to a qualified County Employee.

(d) The Emergency Response Commissioner shall be responsible for the operation of the Dutchess County Public Service Answering Point (E-9-1-1 Communications Center).

Section 18.03. Deputy Commissioners and Staff. The Commissioner of Emergency Response shall have the power to appoint such Deputy Commissioners, assistants and employees of his/her department as shall be authorized by the County Legislature. All such appointees shall be directly responsible to, and serve at the pleasure of, the Commissioner, except as otherwise provided by this Charter, the Administrative Code or applicable law.

Section 18.04. Acting Commissioner. The Commissioner of Emergency Response, subject to approval by the County Executive, shall designate in writing, and in order of succession, the Deputy Commissioners and assistants who shall be Acting Commissioner of Emergency Response in the event of his/her absence from the County or inability to perform and exercise the duties of his/her office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner of Emergency Response by filing a new written designation and order of succession. The Acting Commissioner of Emergency Response shall have all the powers and perform all the duties of the Commissioner.

SECTION 5. EFFECTIVE DATE. This local law shall take effect immediately upon full compliance with all the requisite statutes and laws applicable to its adoption and promulgation.

McKinney's Consolidated Laws of New York Annotated
Unconsolidated Laws (Refs & Annos)
Title 26. State Defense
Chapter 1. New York State Defense Emergency Act (Refs & Annos)
Article 3. Civil Defense

McK.Unconsol.Laws § 9120

§ 9120. Civil defense commission established; state director

Effective: October 3, 2011

Currentness

1. There is hereby continued in the division of military and naval affairs in the executive department a state civil defense commission to consist of the same members as the members of the disaster preparedness commission as established in article two-B of the executive law. In addition, the superintendent of financial services, the chairman of the workers' compensation board and the director of the division of veterans' affairs shall be members. The governor shall designate one of the members of the commission to be the chairman thereof. The commission may provide for its division into subcommittees and for action by such subcommittees with the same force and effect as action by the full commission. The members of the commission, except for those who serve ex officio, shall be allowed their actual and necessary expenses incurred in the performance of their duties under this article but shall receive no additional compensation for services rendered pursuant to this article.

2. The commission may from time to time establish, alter, or abolish civil defense districts in the state and establish or abolish district offices of civil defense.

3. The commission may appoint and at its pleasure remove a state director, who may be a member of the commission, prescribe his duties and fix his compensation within the appropriation made available therefor, provided, however, that if the director so appointed is receiving compensation for services as an officer or employee of the state he shall receive no additional compensation for services rendered pursuant to this article but shall be allowed his actual and necessary expenses incurred in the performance of his duties under this article. Such state director, subject to the supervision and control of the commission, shall exercise all of the functions, powers and duties of the commission which may be delegated to him by the commission.

4. The state director, with the approval of the commission, shall appoint and may remove such deputies, assistants, counsel and employees as may be deemed necessary and fix their salaries within the appropriation made available therefor.

Credits

(L.1951, c. 784, § 20. Amended L.1961, c. 3, § 1; L.1968, c. 420, § 379; L.1968, c. 578, § 1; L.1970, c. 59, § 1; L.1975, c. 464, § 43; L.1978, c. 640, § 4; L.1978, c. 641, § 3; L.2011, c. 62, pt. A, § 85, eff. Oct. 3, 2011.)

McKinney's Unconsolidated Laws § 9120, NY UNCON LAWS § 9120

Current through L.2014, chapters 1 to 430.

McKinney's Consolidated Laws of New York Annotated
Unconsolidated Laws (Refs & Annos)
Title 26. State Defense
Chapter 1. New York State Defense Emergency Act (Refs & Annos)
Article 3. Civil Defense

McK.Unconsol.Laws § 9122

§ 9122. Local civil defense

Currentness

1. Every county, except those contained in the city of New York, and every city shall prepare and make effective a plan of civil defense conforming to the plan, regulations and orders of the commission. The chief executive officer of each county, including in counties not having an executive the chairman or other presiding officer of the legislative body of the county as defined in subdivision seven of section two of the municipal home rule law, and the chief executive officer of each city shall be responsible for developing and making effective such plan, and for the execution and implementation of the provisions of this article relating to such county or city, as the case may be, and of the regulations or orders issued by the commission. Notwithstanding any other law, to the extent of appropriations available therefor, he may authorize any expenditure necessary to effectuate such organization, plan or orders.

2. Such chief executive officer shall create an office of civil defense to perform his duties and execute his powers under this section. The head of such office shall be the local director of civil defense. The chief executive officer may be the local director or he may appoint and at pleasure remove a local director. Except as otherwise provided by section twenty-seven¹ of this act, a local director heading a county office shall have jurisdiction throughout the territorial limits of the county for which he is appointed, exclusive of the areas within the cities therein, and a local director heading a city office shall have jurisdiction throughout the territorial limits of the city for which he is appointed. The director, if other than the chief executive officer, may be paid a salary by the county or city for which he is appointed and, notwithstanding the provisions of section two hundred of the county law, or for any other law, a county may pay compensation to a member of its board of supervisors, other than the chief executive officer, for service as the director of its county office. The director may appoint and at pleasure remove deputies, assistants and employees and prescribe their duties. The salaries of such director, deputies, assistants and employees shall be fixed in the manner generally applicable to the fixing of salaries of officers and employees of the county or city, as the case may be. Within the amount of the appropriation therefor and subject to the terms and conditions of such appropriation, such director shall have power to hire persons whose services are temporarily required to perform the powers and duties granted to or imposed upon the county or city by this act.²

A county director may appoint the mayor of a village in the county to be the deputy director for such village and may appoint the supervisor of a town in the county to be the deputy director for the portion of the town outside the village or villages therein. In the event such a mayor or supervisor declines to serve as such deputy, the county director may appoint a person residing in the village or town, as the case may be, to serve as the deputy director therefor. Such a deputy director, if other than the mayor or supervisor, may receive a salary for his service as such and, if the county does not pay a salary to him, the village or town for which he is appointed may do so. A village or town may pay salaries to persons employed in the office of such a deputy and the expenses of such office in the event the county does not do so.

With the approval of the governing bodies of a town and of one or more villages therein, a county director may appoint a person to be the deputy director for such village or villages and the portion of such town, outside the other village or villages therein. Such deputy director, if not the supervisor of the town or the mayor of a village, may receive a salary for his services as such

and, if the county does not provide a salary for him, the town may do so. Such town may pay salaries to the persons employed in the office of such deputy and the expenses of such office in the event the county does not do so.

3. The chief executive officer of every county outside of the city of New York and of every city, town or village shall by order direct the performance by agencies and public officers of such county, city, town or village as the case may be, of specific duties to execute and implement the provisions of this article and the plan, regulations or orders of the commission and council, relating to the political subdivision. Such order shall be consistent with and shall conform to the plan, regulations or orders of the commission and council and those of the local office of civil defense.

4. To execute the purposes of this article the local director shall have the following powers and duties:

a. To require reports from agencies and public officers of the county or city at such times and in the form prescribed by him.

b. To remove any member of any volunteer agency for incompetence, misconduct, neglect of duty, disloyalty or subversive activity.

c. To adopt, amend and rescind regulations consistent with and necessary to execute and implement the provisions of this article relating to counties and cities and the plans, regulations and orders of the commission; such regulations shall, when filed with the commission, and the clerk of the county or city, as the case may be, have the force and effect of law.

d. Report to the commission and the local legislative body of the county or city, as the case may be, at least once a year and whenever such report is requested by such body.

Credits

(L.1951, c. 784, § 22. Amended L.1951, c. 785, § 3; L.1953, c. 237, § 1; L.1961, c. 84, § 1; L.1961, c. 972, § 5; L.1969, c. 602, § 1.)

Notes of Decisions (14)

Footnotes

1 McK. Unconsol. Laws § 9132.

2 McK. Unconsol. Laws §§ 9101 to 9202.

McKinney's Unconsolidated Laws § 9122, NY UNCON LAWS § 9122

Current through L.2014, chapters 1 to 430.

McKinney's Consolidated Laws of New York Annotated
County Law (Refs & Annos)
Chapter 11. Of the Consolidated Laws
Article 5. General Powers of Board of Supervisors (Refs & Annos)

McKinney's County Law § 225-a

§ 225-a. Fire training and mutual aid programs

Effective: July 1, 2010

Currentness

1. In order to develop and maintain programs for fire training, fire service-related activities and mutual aid in cases of fire and other emergencies in which the services of firemen would be used and to cooperate with the office of fire prevention and control in furthering such programs, the board of supervisors of any county may create a county fire advisory board and may establish the office of county fire coordinator.
2. A county fire advisory board shall consist of not less than five nor more than twenty-one members, each of whom shall be appointed by the board of supervisors for a term of not to exceed one year, two years or three years. Such terms of office need not be the same for all members. It shall be the duty of such board to cooperate with the office of fire prevention and control in relation to such programs for fire training, fire service-related activities and mutual aid; to act as an advisory body to the board of supervisors and to the county fire coordinator, if any, in connection with the county participation in such programs for fire training, fire service-related activities and mutual aid and in connection with the county establishment and maintenance of a county fire training school and mutual aid programs in cases of fire and other emergencies in which the services of firemen would be used; to perform such other duties as the board of supervisors may prescribe in relation to fire training, fire service-related activities and mutual aid in cases of fire and other emergencies in which the services of firemen would be used. The members of such board shall be county officers, and shall serve without compensation.
3. If the office of county fire coordinator is created in any county, the board of supervisors thereof shall appoint a county fire coordinator. It shall be his duty to administer the county programs for fire training and mutual aid in cases of fire and other emergencies in which the services of firemen would be used; to act as a liaison officer between the board of supervisors and the county fire advisory board and the fire fighting forces in the county and the officers and governing boards or bodies thereof; and to perform such other duties as the board of supervisors shall prescribe. The county fire coordinator shall be a county officer and the amount of his compensation, if any, shall be fixed by the board of supervisors.
4. A member of the board of supervisors, the county fire coordinator, or a deputy county fire coordinator appointed pursuant to the provisions of section four hundred one of this chapter, may be appointed as a member of the county fire advisory board, but shall receive no additional compensation for services performed as a member of such advisory board.
5. Where, pursuant to section one hundred eighty-four of the town law, a town has contracted with an incorporated fire company to furnish fire protection within a fire protection district, the respective county may acquire by gift or purchase suitable apparatus and appliances for use in such district and in conjunction with the county mutual aid program and may contract with said incorporated fire company for operation, maintenance, and repair of same and for the furnishing of fire protection in such district.

McKinney's Consolidated Laws of New York Annotated
County Law (Refs & Annos)
Chapter 11. Of the Consolidated Laws
Article 5. General Powers of Board of Supervisors (Refs & Annos)

McKinney's County Law § 223-b

§ 223-b. EMS training and mutual aid programs

Currentness

1. In order to develop and maintain programs for EMS training, EMS-related activities and mutual aid emergencies in which the services of EMS providers would be used and to cooperate with appropriate state agencies in furthering such programs, any county may create a county EMS advisory board and may establish the office of county EMS coordinator.

2. A county EMS advisory board shall consist of not less than five nor more than twenty-one members, each of whom shall be appointed by the legislative body for a term of not to exceed one year, two years or three years. Such terms of office need not be the same for all members. It shall be the duty of such board to cooperate with appropriate state agencies in relation to such programs for EMS training, EMS-related activities and mutual aid; to act as an advisory body to the county government and to the county EMS coordinator, if any, in connection with the county participation in such programs for EMS training, EMS-related activities and mutual aid and mutual aid programs in cases of emergencies in which the services of EMS providers would be used; to perform such other duties as may be prescribed in relation to EMS training, EMS-related activities and mutual aid in cases of emergencies in which the services of EMS providers would be used. The members of such board shall be county officers, and shall serve without compensation.

3. If the office of county EMS coordinator is created in any county, a county EMS coordinator shall be appointed. It shall be his or her duty to administer the county programs for EMS training and mutual aid in cases of emergencies in which the services of EMS providers would be used; to act as a liaison officer between the county government and the county EMS advisory board and the EMS providers in the county and the officers and governing boards or bodies thereof; and to perform such other duties as prescribed. The county EMS coordinator shall be a county officer and the amount of his or her compensation, if any, shall be fixed by the county.

4. A member of the legislative body, the county EMS coordinator, or a deputy county EMS coordinator, may be appointed as a member of the county EMS advisory board, but shall receive no additional compensation for services performed as a member of such advisory board.

Credits

(Added L.1992, c. 804, § 24.)

McKinney's County Law § 223-b, NY COUNTY § 223-b
Current through L.2014, chapters 1 to 430.

ARTICLE XVIII

DEPARTMENT OF EMERGENCY RESPONSE ^{40,54}

Section

18.01. Emergency Response Coordinator; Powers and Duties.

Section 18.01. Emergency Response Coordinator; Powers and Duties.

Among his powers and duties, the Emergency Response Coordinator shall:

(a) supervise the maintenance and daily operation of the fire communications system, develop prevention and response programs and mutual aid plans, and coordinate training;

(b) act as Director of Civil Defense for the County, overseeing emergency response and disaster preparedness planning and review in accordance with state and federal laws and guidelines; and

(c) assist in development and implementation of a County E911 system.

40 Article XXV, Department of Emergency Response, added in its entirety by Resolution No. 328 of 1993. Local Law No. 8 of 1993.

54 Article XXV, Department of Emergency Response renumbered XVIII by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

ARTICLE XVIII¹⁹

DEPARTMENT OF EMERGENCY RESPONSE

Section

- 18.01 Department of Emergency Response;
Coordinator; Appointment; Qualifications; Term.
- 18.02 Powers and Duties.
- 18.03 Assistant and Staff.

Section 18.01. Department of Emergency Response; Coordinator; Appointment; Qualifications; Term. There shall be a Department of Emergency Response under the direction of an Emergency Response Coordinator, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. He shall be appointed on the basis of his administrative experience and other qualifications for the responsibilities of his office. The Emergency Response Coordinator shall be directly responsible to, and serve at the pleasure of, the County Executive. The Department of Emergency Response shall be the Office of Civil Defense for the County of Dutchess.

Section 18.02 Powers and Duties. The Emergency Response Coordinator shall be the Director of Civil Defense and in addition shall possess all the powers and perform all of the duties now or hereafter conferred or imposed by law upon a county fire coordinator. The Emergency Response Coordinator shall perform such other duties as may be required by the County Executive or the County Legislature.

Section 18.03. Assistant and Staff. The Emergency Response Coordinator shall have the power to appoint an assistant and such employees as shall be authorized by the County Legislature, all of whom shall be responsible to him and shall serve at his pleasure. The Assistant Emergency Response Coordinator shall serve as Assistant Director of Civil Defense and shall perform such other and related duties required by the Director, the County Executive or the County Legislature. In addition, the Emergency Response Coordinator shall have the power to appoint such Deputy Emergency Response Coordinators as he may deem appropriate. Such Deputies shall serve without compensation and at the pleasure of the Emergency Response Coordinator. The names of Deputy Emergency Response Coordinators shall be duly filed by the Emergency Response Coordinator with the County Clerk and the Clerk of the County Legislature.

19 Article XVIII, Department of Emergency Response, added in its entirety by Resolution No. 328 of 1993. Local Law # 8 of 1993.